

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

WILLIE HILL,

Plaintiff,

vs.

WARDEN HENDREN, NURSE NANCY
RIGGS, CITY ATTORNEY PETER
JOFFREON, and ATTORNEY JOHN
JONES,

Defendants.

CV 02-C-2776-NE

ENTERED

SEP 16 2003

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on June 30, 2003, recommending that Warden Hendren, Attorney Peter Joffreon, and Attorney John Jones be dismissed as defendant in this § 1983 action. The magistrate judge further recommended that the Eighth Amendment claim of cruel and unusual punishment against Nurse Riggs be referred to the magistrate judge for further proceedings.

The magistrate judge's report and recommendation sent to plaintiff at the address provided by him has been returned by the Postal Service with the notation "OUT" written across the envelope. Plaintiff failed to update the court with a change of address.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the Warden

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Hendren, Attorney Peter Joffreon, and Attorney John Jones are due to be dismissed as defendants and the claims against them DISMISSED WITH PREJUDICE pursuant to 28 U.S.C. § 1915A(b).

Because plaintiff has failed to keep the court informed regarding his address, the cruel and unusual punishment claim against Nurse Riggs is DISMISSED WITHOUT PREJUDICE.

A Final Judgment will be entered.

DATED this 15th day of September, 2003.

A handwritten signature in black ink, appearing to read "U. W. Clemon", written over a horizontal line.

U. W. CLEMON
CHIEF UNITED STATES DISTRICT JUDGE